

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)
_____)

THIS DOCUMENT RELATES TO:)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Abbott Laboratories,)
Inc., Civil Action No. 06-11337)

MDL No. 1456
Civil Action No. 01-12257-PBS
Subcategory No. 06-11337-PBS

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey LP, et al., Civil)
Action No. 05-11084)

Hon. Patti B. Saris

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)

**JOINT MOTION TO ESTABLISH PAGE LIMITS FOR THE REMAINDER OF THE
PARTIES' SUMMARY JUDGMENT BRIEFING**

At a May 28, 2009, status conference, this Court ordered that for the initial briefing of summary judgment motions, the defendants were entitled to 40 pages per defendant, and that the plaintiffs were entitled to 50 pages for their initial oppositions to defendants' summary judgment, and incorporated cross-motions. The Court further instructed the parties to meet and confer to reach consensus on page limits for the remaining oppositions, replies and sur-replies.¹

¹On June 25, 2009, the parties separately filed a joint motion (M.D. Dkt. #6170) to establish the summary judgment briefing schedule for requesting the following deadlines: August 28, 2009 for the defendants' oppositions to plaintiffs' cross-motions for summary judgment, and replies to the plaintiffs' oppositions to defendants' summary judgment motions; September 15, 2009 for the plaintiffs' replies to defendants' oppositions to plaintiffs' cross-motions, and sur-replies to defendants' replies in support of defendants' summary judgment applications; September 28, 2009 for defendants' sur-replies to plaintiffs' replies in support of plaintiffs' cross-motions. This joint motion has not been ruled upon by the Court.

In furtherance of this Court's instructions, the parties in the above-captioned cases jointly propose the following page limits for the remainder of the summary judgment briefing in this case:

A. Defendants' oppositions to plaintiffs' cross-motions for summary judgment, and replies to the plaintiffs' oppositions to defendants' summary judgment motions:

Defendants shall have an aggregate total page limit of 120 pages for their oppositions to plaintiffs' cross-motions for summary judgment, and replies to the plaintiffs' oppositions to defendants' summary judgment motions, to be divided as follows: a) 45 pages for defendants' common brief, and, b) 25 pages per defendant for individual briefs.

B. Plaintiffs' replies to defendants' oppositions to plaintiffs' cross-motions, and sur-replies to defendants' replies in support of defendants' summary judgment motions:

Plaintiffs shall have a page limit of 114 pages for their replies to defendants' oppositions to plaintiffs' cross-motions, and sur-replies to defendants' replies in support of defendants' summary judgment motions.

C. Defendants' sur-replies to plaintiffs' replies in support of plaintiffs' cross-motions for summary judgment:

Defendants shall have an aggregate total page limit of 24 pages for their sur-replies to plaintiffs' replies in support of plaintiffs' cross-motions for summary judgment.

WHEREFORE the parties respectfully request that this Court enter an order setting the page limits for the remainder of the summary judgment briefing in this case as set forth herein.

Dated: August 5, 2009

Respectfully submitted,

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above JOINT MOTION TO ESTABLISH PAGE LIMITS FOR THE REMAINDER OF THE PARTIES' SUMMARY JUDGMENT BRIEFING to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: August 5, 2009

/s/ Ann M. St. Peter-Griffith
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